IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2682 OF 2007

Dilip Genu Kadam .. Petitioner
v/s.
The Scheduled Tribe Certificate
Scrutiny Committee, Konkan Division, Thane
and others .. Respondents

Mr.C.G. Gavnekar for the petitioner.
Mr. R.D. Rane, Government Pleader for the respondent Nos.1 and 3.

CORAM : F.I. REBELLO AND
R.M. SAVANT, JJ.
DATED : 13TH APRIL, 2007

P.C.

Rule.

2. It is not necessary to go into the background of the matter. Apparently, the petitioner had moved the Committee for validation of his tribe certificate as belonging to Mahadeo Koli Scheduled Tribe. That was rejected. The petitioner challenged the same before this court and on the basis of the documentary evidence produced by the petitioner herein, the matter was remanded to the Committee with the direction that the petitioner's claim be considered as Dongar Koli.

3. The Committee, on remand scrutinised some documents but did not consider the triable traits and characteristics and was pleased to hold that the petitioner did not belong to Dongar Koli.

3. We find that the entire procedure apparently may not be in accordance with the provisions of the Act. Various committees have been set up to validate or invalidate the caste certificates produced before them or sent for their consideration. Therefore, firstly, if the petitioner claims as belonging to Dongar Koli, petitioner will have to obtain the caste certificate from the competent authority. If the petitioner obtain such a certificate then that certificate can be forwarded to the Committee for its scrutiny. In the light of that and as petitioner's rights may be defeated, we propose to dispose of this petition by issuing the following directions:

i) The petitioner to apply to the concerned authority for certificate as belonging to Dongar Koli Scheduled Tribes. The Committee to scrutinise the same if the petitioner produces the necessary documents to issue certificate at any rate not later than three months from today.

ii) The said certificate thereafter to be forwarded to the respondent No.2 herein who in turn shall forward the same for its validation to the respondent No.1. The respondent No.1 further to consider the same and proceed to pass orders according to law after considering the documentary evidence and the triable status and its characteristic.

iii) The Committee to proceed to examine the matter independently without taking into consideration the

order which has been set aside.

iv) The impugned order is set aside.

Rule made absolute accordingly. No order as to costs.

(F.I. REBELLO, J.)

(R.M. SAVANT, J.)